

PURPOSE

To provide procedures for referral of Michigan Department of Health and Human Services (MDHHS) children to out-of-state residential placements using the Interstate Compact on the Placement of Children (ICPC).

DEFINITIONS

Definitions are found in [ICM 100, Interstate Compact on the Placement of Children \(ICPC\) Overview](#).

OVERVIEW

All requests for placement in out-of-state residential care must be submitted to the ICPC office within MDHHS regardless of program type.

For juvenile justice cases, the caseworker must contact the Juvenile Justice Assignment Unit (JJAU) to exhaust all Michigan placement options prior to a referral to an out-of-state residential placement; see [JJM 700, Juvenile Justice Assignment Unit Placement Process](#) for referral process.

For foster care, the caseworker must contact the Regional Placement Unit (RPU) to exhaust all Michigan placement options; see [FOM 912, Residential Services: Caseworker Responsibilities](#).

The sending agency remains obligated under Article V (Retention of Jurisdiction) of the compact to retain jurisdiction and responsibility for the child while the child remains in the receiving state until one of the following occurs:

- The child becomes independent and self-supporting.
- The case is closed in concurrence with both the receiving and sending state ICPC offices.

PLACEMENT SELECTION

Michigan caseworkers may request residential placement in another state only when there is a specific treatment rationale for the child in the placement selected.

The caseworker and applicable placement unit must collaborate, select a prospective placement, begin exchange of case materials, seek consensus on available services and services to be provided.

The caseworker and placement unit must then coordinate with the appropriate program office to establish a contract with the residential placement. For juvenile justice youth, the caseworker must coordinate with juvenile justice program office. For foster care youth, the caseworker must coordinate with foster care program office.

Placement in a residential facility should not occur until after the receiving state has approved the placement pursuant to Article III (d) of the compact. When a child has been placed in a receiving state prior to ICPC approval, the case is considered a violation of ICPC, and the sending agency and residential facility remain liable and responsible for the safety of the child; see [ICM 100, Placement Violations](#) subsection for more information.

When placement ends, the MDHHS county office must send a [DHS-4333, Interstate Compact Report on Child's Placement Status](#) to the Michigan ICPC office to notify them that the placement has ended.

Qualified Residential Treatment Program (QRTP) Requirements

All youth entering a residential care program on or after April 1st, 2021, pursuant to Family First Prevention Services Act, 42 USC 672, must be assessed by a contracted qualified independent assessor. Whenever possible this must occur prior to referral to any residential care program. A QRTP assessment must be requested through the applicable placement unit. For juvenile justice youth, an assessment must be requested from the JJAU. For foster care youth, an assessment must be requested through the Residential Placement Unit (RPU).

Note: MDHHS must not recommend youth for out-of-state residential placement unless the recommended facility is QRTP and Prison Rape Elimination Act (PREA) compliant.

QRTP Aftercare Services

Youth returning to the community from a private, contracted qualified residential treatment program are entitled to receive six months of family-based aftercare support services from the

program. For youth who are placed in out-of-state residential placement, MDHHS requires out-of-state providers to follow level one aftercare services for a youth returning to Michigan; see [FOM 912-1, Residential Services: Residential Provider Requirements](#).

Family Team Meeting

Conduct a family team meeting (FTM) to address the reason a residential care program is being recommended and determine if alternate support services and safety plans can be implemented to maintain the youth in the community. See [FOM 722-06B, Family Team Meeting](#) for more information on conducting an FTM.

ICPC RESIDENTIAL REFERRAL PACKAGE

Residential ICPC referrals may be sent via email (one copy). The address for emailing the residential referral is MDHHS-MI-ICPC@Michigan.gov.

The use of the [DHS-4335, Interstate Compact on the Placement of Children's \(ICPC\) Checklist](#), and the [DHS-4336, Interstate Compact on the Placement of Children \(ICPC\) Placement Prescreening](#), are not required for a residential referral.

Referrals must:

- Be legible, contain documents with all pages and written on only one side of the paper.
- Have complete signatures including court orders.
- While private agencies may participate in the referral, MDHHS staff must sign MDHHS forms.
- Cover letter including:
 - Summary of the child's situation.
 - Permanency goal.
 - Reason why placement at the facility is requested.
 - Specific concerns and requests.
- If there is a medical provider recommending the placement, the caseworker must provide a separate written letter with their full name, title, organization, and any specific written justification

regarding the child's needs and the ability of the placement to meet those needs. Appropriate case or therapy notes must be included.

- [DHS-4332, \(ICPC 100A\) Interstate Compact Placement Request.](#)
- [CWL-4606, Child Welfare Placement Assistance Request,](#) showing all Michigan referral attempts including placement name, date, and result. The documentation must clearly show there are no suitable placement options in Michigan available within a reasonable period.
- Court order showing that MDHHS has the legal authority over the child.
- Facility license from the receiving state received by requesting it from the residential facility or parent agency.
- Signed memorandum certifying the placement meets licensing requirements in the receiving state and the Michigan Division of Child Welfare Licensing (DCWL) agrees the facility meets Michigan licensing requirements.
- Placement acceptance letter that includes the MDHHS-approved per diem rate.
- Social history.
- Court report, summary, or predisposition report (if applicable).
- Placement Exception Request(s).
- [DHS-4334, ICPC Financial/Medical Plan.](#) Prior to the referral, the caseworker and placement must collaborate to evaluate and address all medical, dental, and mental health needs of the child including routine and emergency care and required medications. The caseworker must ensure the care plan is workable and in place prior to placement.

Note: If a child is eligible for title IV-E funding, that status will allow assertion of a right to Medicaid. The caseworker and facility must determine how the child will be serviced while in placement and what actions must be taken when those services must be identified and approved in advance of treatment and later funded by Michigan. The caseworker must

include written details of such arrangements with the DHS-4334, Financial/Medical Plan.

- [DHS-352 MiSACWIS](#), Initial Determination of Title IV-E Eligibility. Title IV-E eligibility status must match the eligibility status in the Residential Placement Exception Request, the ICPC Placement Request, and the ICPC Financial/Medical Plan.
- Copies of the initial and most recent MDHHS service plans for the child.
- For a juvenile justice youth, the following court orders (contents may be combined in court orders):
 - Adjudication order.
 - Disposition court order.
 - ICPC Article VI findings; see *written findings* below.

Juvenile justice youth must be provided a court hearing before residential placement can be made. Notice of the hearing must be given to the parent or guardian along with an opportunity to be heard. For the placement to proceed, the court must issue written findings as follows:

- Equivalent facilities for the youth are not available (within a reasonable time period) in Michigan.
- Residential care in the out-of-state residential placement is in the youth's best interest and will not produce undue hardship for the youth.

Court orders which are limited to these two findings do not jeopardize title IV-E eligibility. If the order states that the youth must be placed in a specific facility or type of facility, payment for care must be through the appropriate state/county funding source based on the youth's legal status. A copy of this order must be included in the referral packet.

The caseworker must send additional information to the placement including the child's birth certificate, social security card, medical passport, immunization records and school records.

For referrals to Florida or Illinois, the caseworker must contact the Michigan ICPC office to ensure additional state-unique forms are included.

Following child placement, the MDHHS county office submits a [DHS-4333, \(ICPC 100B\) Interstate Compact on the Placement of Children Placement Report](#), to the Michigan ICPC office with the date that the youth entered the placement.

**Request to return
child after ICPC
Denial of
Placement**

If the child is already placed in the receiving state residential facility at the time of the placement decision, and the receiving state Compact Administrator has denied the placement, the receiving state Compact Administrator may request the sending state ICPC office to facilitate for the return of the child as soon as possible or propose an alternative placement in the receiving state as provided in Article V(a) of the ICPC. The alternative placement resource must be approved by the receiving state before placement is made. Return of the child shall occur within 5 business days from the date of notice for removal unless otherwise agreed upon between the sending and receiving state ICPC offices.

**Request to return
child after ICPC
Placement
Approval**

Following approval and placement of the child in the residential facility, if the receiving state Compact Administrator determines that the placement "appears to be contrary to the interests of the child," then the receiving state Compact Administrator may request that the sending state ICPC office facilitate for the return of the child as soon as possible or propose an alternative placement in the receiving state as provided in Article V(a) of the ICPC. That alternative placement resource must be approved by the receiving state before placement is made. Return of the child shall occur within 5 business days from the date of notice for removal, unless otherwise agreed upon between the sending and receiving state ICPC offices.

**SUPERVISORY
RESPONSIBILITIES**

For residential placement in another state, the receiving state does not assign a caseworker and all visits remain the responsibility of

the sending county. Supervisory services may be contracted if the applicable program office agrees.

The MDHHS caseworker must comply with all case management and visitation requirements set out in the applicable program policy.

When the Michigan ICPC office receives ICPC residential referrals from other state ICPC offices and processes them under the provisions of the ICPC, MDHHS county offices may be requested to activate Medicaid when the placement applies for a child who is eligible for Michigan Medicaid under title IV-E.

FUNDING

MDHHS is prohibited from using state funds to pay for the placement of a child in an out-of-state facility unless all of the following conditions are met:

- The out-of-state facility meets all the Michigan licensing standards for a comparable facility.
- The out-of-state facility meets all the applicable licensing standards of the state in which it is located.
- The facility is deemed an appropriate placement after the department has conducted an on-site visit to the out-of-state facility and reviewed:
 - Facility records.
 - Licensing records.
 - Reports on the facility.

Payment rates are based on a rate approved and agreed to between MDHHS and receiving states facility. Higher rates and/or payments for specialized staffing must not be negotiated. The DHS-3600, Individual Service Agreement, must be used. Caseworkers must not enter any other contractual arrangements with an out-of-state agency.

POLICY RESOURCES

[ICPC Residential Care Referral Flow.](#)

LEGAL BASE

Interstate Compact on the Placement of Children Act, 1984 PA 114,
MCL 3.711 et seq.

CONTACT

Questions about this policy item or ICPC matters may be directed
to the ICPC [Policy Mailbox at MDHHS-MI-ICPC@michigan.gov](mailto:PolicyMailbox@MDHHS-MI-ICPC@michigan.gov).